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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/919,039 | 07/30/2001 | Matthew R. Kaser | PA-0035 US | 4191 |

7590 03/11/2003

Legal Department
INCYTE GENOMICS INC
3160 Porter Drive
Palo Alto, CA 94304

EXAMINER

CHAKRABARTI, ARUN K

ART UNIT PAPER NUMBER

1634

DATE MAILED: 03/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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DETAILED ACTION

UNITED STATES DEPARTMENT OF COMMERCE

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| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 09/919,039 | 6/30/01 | Kaser | PA-0035.US |

| EXAMINER | |
|---------------------|--------------|
| CHAKRABARTI, ARUN K | |
| ART UNIT | PAPER NUMBER |
| 1634 | 0303 |

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

1. The applicant has elected Group I, corresponding to claims 1-6, and 12-14 and one species SEQ ID NO: 323, with traverse. The communication filed on February 10, 2003, is non-responsive to the prior Office action because it fails to comply with the Election/Restriction requirement under 35 U.S.C. 121 which requires the election

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of a single Group and single disclosed species even though this requirement is traversed. Specifically, no species of claim 12 was elected in response to the restriction requirement in the office action mailed to the applicant on January 10, 2003. Claim 12 does not recite elected species SEQ ID NO: 323. Moreover, no species from claims 2 and 3 have been elected. Since the response appears to be *bona fide*, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a TIME LIMIT of ONE MONTH from the date of this letter or within the time remaining in the response period of the last Office action, whichever is longer. Applicant may elect to either extend the period for response set in the last office action up to a maximum of SIX MONTHS or to extend from this ONE MONTH limit under 37 CFR 1.136 (a) or (b) up to SIX MONTHS from the mailing date of this letter.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun Chakrabarti, Ph.D. whose telephone number is (703) 306-5818.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion, can be reached on (703) 308-1119.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group analyst Chantae Dessau whose telephone number is (703) 605-1237.

Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission via the P.T.O. Fax Center located in Crystal Mall 1. The CM1 Fax Center numbers for Technology Center 1600 are either (703) 305-3014 or (703) 308-4242. Please note that the faxing of

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such papers must conform with the Notice to Comply published in the Official Gazette, 1096 OG 30
(November 15, 1989).

Arun Chakrabarti

Patent Examiner

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March 3, 2003

A handwritten signature in black ink, appearing to read "Gary Benzion". The signature is fluid and cursive, with the first name "Gary" and last name "Benzion" clearly distinguishable.

**GARY BENZION, PH.D
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600**